

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

USDC SDNY  
DOCUMENT  
ELECTRONICALLY FILED  
DOC #:  
DATE FILED: 3/16/2018

-----X  
ERIC WHITE,

Plaintiff,

-v-

DORA B. SCHRIRO, et al.,

Defendants.  
-----X

16 Civ 6769 (PAE) (JCF)

OPINION & ORDER

PAUL A. ENGELMAYER, District Judge:

*Pro se* plaintiff Eric White brings this action under 42 U.S.C. § 1983 alleging various claims arising from his conditions of confinement at the Otis Bantum Correctional Center (“OBCC”), the Robert N. Davoren Center (“RNDC”), the Brooklyn Detention Center (“AMKC”), as well as a products liability claim against the Bob Barker Company. Before the Court is the July 31, 2017 Report and Recommendation of the Hon. James C. Francis, United States Magistrate Judge, recommending that the Court dismiss all claims in this complaint. Dkt. 35 (“Report”). For the following reasons, the Court adopts this recommendation.

**I. Background**

The Court incorporates by reference the summary of the facts provided in the Report. *See* Report at 3–5.

On August 29, 2016, White filed a Complaint. Dkt. 2. On January 9, 2017, White amended his Complaint. Dkt. 8. On March 1, 2017, the Court referred this case to Judge Francis for general pretrial supervision and for a report and recommendation. Dkt. 10.

On May 8, 2017, the Bob Barker Company filed a motion to dismiss the Complaint. Dkt. 18. On May 30, 2017, the remaining defendants filed a motion to dismiss the Complaint. Dkt.

22. On June 13, 2017 and July 7, 2017, White filed letters opposing defendants' motions to dismiss. *See* Dkts 28–29. On July 14 and July 18, 2017, the defendants submitted replies in support of their respective motions to dismiss. *See* Dkts. 31, 33.

On July 31, 2017, Judge Francis issued his Report, recommending that the Court dismiss the complaint and first amended complaint with prejudice. Dkt. 35. On August 9, 2017, White filed a letter objecting not to the Magistrate Judge's report but to contentions made in the defendant's reply briefs. Dkt. 36. As White has not filed objections, however, the Court construes this submission as an objection to the Report. On August 24, 2017, the counsel for the City and individually named defendants filed a letter opposing White's objectives. Dkt. 37.

## **II. Discussion**

In reviewing a Report and Recommendation, a district court “may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” 28 U.S.C. § 636(b)(1)(C). When a party makes specific objections to a magistrate's findings, the district court must make a *de novo* determination as to those findings. *Id.* § 636(b)(1). However, if a party “makes only conclusory or general objections, or simply reiterates the original arguments, the Court will review the Report strictly for clear error.” *Pinkney v. Progressive Home Health Servs.*, No. 06 Civ. 5023 (LTS) (JCF), 2008 WL 2811816, at \*1 (S.D.N.Y. July 21, 2008), *aff'd*, 367 F. App'x 210 (2d Cir. 2010) (summary order). And, while *pro se* parties are, as always, treated leniently in making objections, their objections to a Report “must be specific and clearly aimed at particular findings.” *Id.*

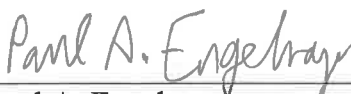
Here, White's objections simply recapitulate his earlier arguments. However, careful review of Judge Francis's thorough and well-reasoned Report reveals that under either standard, *de novo* or clear error, the Report is correct; the Report is therefore adopted in its entirety.

## CONCLUSION

For the foregoing reasons, the Court dismisses all allegations in White's amended complaint.

The Court respectfully directs the Clerk to mail a copy of this decision to plaintiff at the address on file, to close the motions pending at Dkts. 18 and 22, and to close this case.

SO ORDERED.

  
\_\_\_\_\_  
Paul A. Engelmayer  
United States District Judge

Dated: March 15, 2018  
New York, New York